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OFFICE OF PETITIONS

PERKINS COIE LLP
PO BOX 2168
MENLO PARK CA 94026

In re Application of :
Harley, et al. : DECISION ACCORDING STATUS
Application No. 10/563,533 : UNDER 37 CFR 1.47(a)
Filed: December 23, 2005 :
Attorney Docket No. 38797-8003.US00:

This is in response to the petition under 37 CFR 1.47(a), filed September 12, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that non-signing inventor Miller-Martini has refused to sign the declaration. Specifically, petitioner has provided a written refusal from Miller-Martini.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Initial Preexamination for preexamination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized with a large "C" and a long horizontal stroke at the end.

Cliff Congo
Petitions Attorney
Office of Petitions



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DAVID M MILLER-MARTINI
409 PINE ST
RIDGWAY PA 15853

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OFFICE OF PETITIONS

In re Application of :
Calvin Harley, Allison Chin, Nancy :
Yuk-yu Ip, Yung-hou Wong, David :
Miller-Martini :
Application No. 10/563,533 :
Filed: December 23, 2005 :
Title: Formulations Containing :
Astragalus Extracts and Uses Thereof :

LETTER

Dear Mr Miller-Martini:

You are named as a joint inventor in the above-identified United States patent reissue application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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